



Atty. Dkt. No. 076333-0354

DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Louis D. FALO et al.

Title: IN VITRO INDUCTION OF ANTIGEN-SPECIFIC T-CELLS
USING DENDRITIC CELL-TUMOR CELL OR DENDRITIC
CELL - VIRAL CELL DERIVED IMMUNOGENS

Appl. No.: 09/282,679

Filing Date: 03/31/1999

Examiner: G. Ewoldt

Art Unit: 1644

RECEIVED

MAR 31 2005

OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on July 5, 2000, which set a three-month period for response.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional;
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)); and

(5) Further information in relation to the delay between the abandonment and filing of the Petition pursuant to 37 C.F.R. § 1.137(b).

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750.00 OP

(1) Required reply and/or fee.

The proposed reply and required fee for the above-noted Office Action in the form of a Continuation application and Preliminary Amendment pursuant to 37 C.F.R. § 1.53(d) is enclosed herewith.

(2) Petition fee (37 C.F.R. § 1.17(m))

A check in the amount of \$750.00 is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition for a small entity.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

(3) Statement that the abandonment was unintentional.

Applicants hereby state that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

(5) Further Information regarding delay between abandonment of application and filing of Petition under 37 C.F.R. § 1.137(b).

The following information regarding the events which occurred between abandonment of the application and the filing of the petition to revive the application is provided in accordance with M.P.E.P. § 711.03, and to avoid delay in the consideration of the merits of the present petition:

- A final office action was issued on February 14, 2001, for the above-captioned application. At this time, prosecution of the application was being handled by a different attorney than the undersigned, however, applicants were in the process of transferring the prosecution of the application to the undersigned.
- The previous attorney stated in correspondence that a Notice of Appeal had been filed on May 14, 2001, however, the PTO file history does not have a record that the Notice of Appeal was filed, and applicants do not have a PTO date-stamped receipt for the filing of the Notice of Appeal. In the same correspondence, the previous attorney also stated that an appeal brief would be drafted and filed.

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- A Notice of Abandonment was mailed to the previous attorney by the PTO on January 17, 2002.
 - The previous attorney sent an e-mail to the undersigned on May 11, 2004, stating that the firm had just discovered that the application file, which was to have been transferred to the undersigned to assume prosecution, was never transferred, and had been in the firm's file drawers for three years.
 - The applicants received correspondence from the previous attorney dated June 1, 2004, stating that the application had been inadvertently abandoned.
 - Since the cost of prosecution of the application was being handled by a licensee, it was necessary for the applicant to contact the licensee regarding the abandonment, and to obtain approval for the cost of reviving the application.
 - The delay between the abandonment and filing of the petition to revive occurred despite the due care or diligence of the Applicants, due to the fact that, to the best of Applicants knowledge, responsibility for the prosecution of the application was being handled by the previous attorney and no action was required on the part of the Applicants.

Applicants were unaware that the application had been abandoned, due to the fact that the file was "lost" for three years, by the Applicants' previous counsel. Due to the amount of time which has elapsed, Applicants are submitting a continuation application as a proper reply, and respectfully request that the petition for revival of the present application be granted.

Respectfully submitted,

Date 28 March 2005

By Stephen A. Bent

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicants
Registration No. 29,768